

Serial No. 09/881,404  
Amendment and Response dated March 30, 2005  
Reply to Office Action mailed January 4, 2005

### **Remarks**

This paper is submitted in reply to the Office Action mailed January 4, 2005, within the three-month period for response. Reconsideration and allowance of all pending claims are respectfully requested.

The Office Action rejected claims 1-19, 21-26, 28-31, 33-44 and 46-50 under 35 U.S.C. §103(a) as being unpatentable over Holmes et al., U.S. Patent No. 6,490,769 (Holmes). The Office Action did indicate, however, that claims 20, 27, 32 and 45 were directed to allowable subject matter.

Applicants have now canceled claims 20, 30, 32, 43 and 45 without prejudice; amended claims 1, 3, 6-7, 19, 24, 28-29, 31, 33-41 and 46-50; and added claim 51. Claims 1-19, 21-29, 33-42, 44 and 46-51 are now pending in this application.

Applicants respectfully traverse the Examiner's rejections to the extent that they are maintained. Although the Office Action objected to claims 20, 27, 32 and 45 by virtue of their dependencies upon rejected based claims as outlined above, Applicants appreciate the Examiner's acknowledging the allowable subject matter in each of these objected-to claims.

Each of the independent claims, with the exception of claim 1, has been amended to incorporate the allowable subject matter recognized by the Examiner. More specifically, claim 19 now includes the allowable subject matter of claim 20. Claim 28 now includes the allowable subject matter of claim 32, and claim 41 now includes the allowable subject matter of claim 45. Of note, new independent claim 51 includes the previous subject

Serial No. 09/881,404

Amendment and Response dated March 30, 2005

Reply to Office Action mailed January 4, 2005

matter of claim 19 combined with the subject matter of claim 27, which was acknowledged to be patentable by the Examiner. Applicants respectfully submit that each of these claims is consequently in condition for allowance.

Claim 1 has been amended to more specifically recite an audio frame that is encoded at the same audio sampling rate at which it is received. Although Holmes discloses that no adjustment is needed for its video signal, it does not teach or suggest that no adjustment is needed for the audio signal. In contrast, Holmes teaches away from such an assertion by adjusting the audio sampling rate to fit that of the video frame rate (column 5, line 22). The adjustment involves at least adjusting the sampling rate to 256 times the incoming rate and dividing that rate by a countdown divider 148 to derive an audio sampling clock rate based on a video-rate clock (first paragraph of column 5). Applicants' invention obviates the need for such audio rate adjustment, and consequently avoids the extensive programming and processing delays of the prior art. Because none of the prior art teaches or suggests such a feature, claim 1 is novel and non-obvious. Reconsideration and allowance of claim 1, along with claims 2-18 which depend therefrom, are therefore respectfully requested.

A number of the other claims have been amended for antecedent considerations to further put the application in condition for allowance. Applicants respectfully submit that no new subject matter is being added by the above amendments, as

Serial No. 09/881,404  
Amendment and Response dated March 30, 2005  
Reply to Office Action mailed January 4, 2005

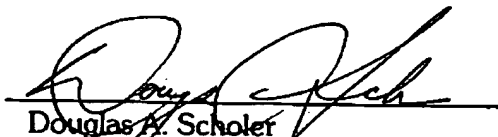
the amendments are fully supported in the specification, drawings and claims as originally filed.

In summary, Applicants respectfully submit that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, LLP

By:

  
Douglas A. Scholer  
Reg. No. 52,197

WOOD, HERRON & EVANS, LLP  
2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202-2917  
513-241-2324 (phone)  
513-241-6234 (fax)